



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,785	02/16/2001	Leon P. Janik	STAN/322/US	3391

2543 7590 12/26/2002

ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD, CT 06103

EXAMINER

CECIL, TERRY K

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 12/26/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,785

Applicant(s)

JANIK ET AL.

Examiner

Mr. Terry K. Cecil

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Applicant's amendments have obviated the claim objections of the FAOM.

Claim Rejections - 35 USC § 112

2. Applicant's amendments have obviated the 112 rejections of the FAOM.

Claim Rejections - 35 USC § 102

3. See the prior office action of Paper No. 2.

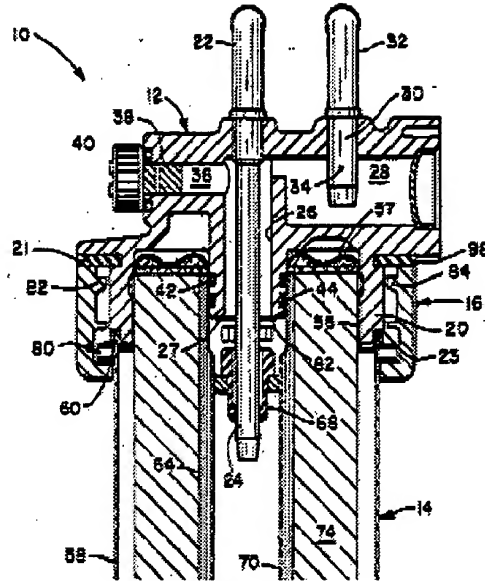
Claim Rejections - 35 USC § 103

4. See the prior office action of Paper No. 2.

Response to Arguments

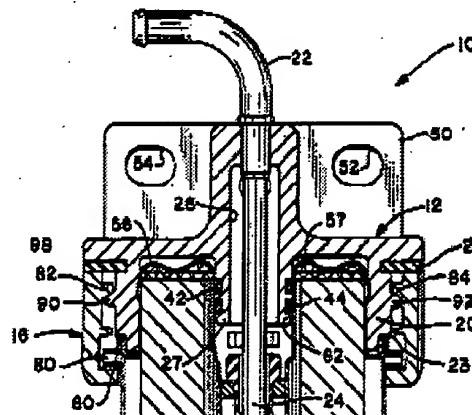
5. Applicant's arguments filed 7-3-2002 have been fully considered but they are not persuasive because of the following reasons:

- (i) Applicant's central argument (page 3) is that primary reference Zeiner does not anticipate the all the elements of claim 1, 2 and 11 including a communication module containing "all these items" that are "receivable in said body central axial opening at a plurality of angular orientations to the body". In order to address applicant's argument, the examiner will clarify the 102 rejection of the prior examiner by first reproducing Zeiner's figure 1 on the next page.



As shown above, Zeiner discloses

- “a body defining a receptacle for receiving a filter cartridge and a central axial opening surrounded by a coaxial lip” (Element 14 can be considered “a body” defining a receptacle including a filter cartridge 74 therein and that also defines a “central axial opening”, i.e. the open top end, wherein the open top end is surrounded by an “annular lip” 16.);
- “a mounting bracket extending from said body for mounting said base module to a vehicle”, i.e. element 50 shown below has the ability to mount to another object; and



- “a communication module receivable in the body central axial opening at a plurality of angular orientations to said body, said communication module including a skirt which mates with said lip, an inlet conduit extending axially into said receptacle, a corresponding inlet fitting defining a fluid passageway extending away from the receptacle and an outlet fitting defining a fluid passageway extending away from said receptacle.” Element 12 is considered to be the “communication module”; and, as can be seen in figure 1, the axial conduit 26 and inlet conduit 24 are “received” in the open top end of the “body” 14. Element 12 includes a “skirt” 20 that mates with the lip 16 of the “body” 14. Because of the “skirt” 20 of the “communication module” and the top end of 14 are both annular, the communication module 12 can be positioned on the body 14 at a plurality of angular orientations meeting the requirements of the claim, the angular orientation is locked in place (as in claim 2) by the “lip” 16 of the “body” since both the “skirt” 20 and the “lip” 16 are threaded as shown below. Also shown are axially-extending inlet conduit/connector 22/24 and outlet conduit/connector 26/32 both of which extend “away from” the receptacle of 14.

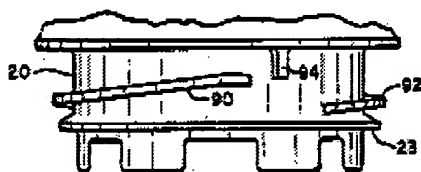
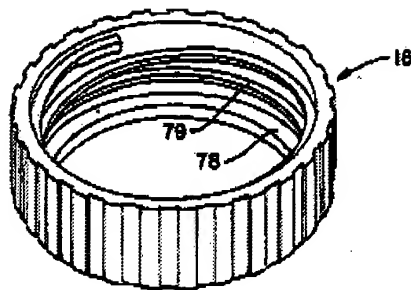


FIG. 5



(ii) As for applicant's arguments (page 4) concerning what the elements of Zeiner are *named* are that element 12 can be a cast component, the examiner contends that such does not negate the fact the element 12 is receivable in element 14 in a plurality of angular orientations—as explained above.

(iii) Applicant argues that a *prima facie* case of obviousness has not been presented for claim 3 because of lack of motivation. However, the examiner contends that since the snap-fit of Ruschke can be considered an equivalent to the threaded-fit of Zeinke as means for attaching upper and lower portions of a filtering system, the skilled man would be motivated to consider such a modification and would do so since Ruschke teaches the benefit of improved integrity of a seal (col. 1, line 18).

(iv) In regards to Lacy, Zeiner does teach the plurality of angular orientations—as explained above. It is also pointed out the inlet and outlet connectors 22, 32 of Zeiner being rotatable as the inlet and outlet connectors 28, 30 of Lacy would provide the benefit of independent adjustment of the fittings to make installation easier.

Other Pertinent Art

6. Applicant may wish to consider the following germane references before amending the claims in a continuing application:

- Magnusson et al. (U.S. 6,027,644).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (703)305-0079 for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:00a to 4:30p, on at least four days during the week M-F.
- The group receptionist can be reached at (703)308-0661 for inquiries of a general nature or those relating to the status of this or proceeding applications.
- Wanda Walker, the examiner's supervisor, can be reached at (703)308-0457 if attempts to reach the examiner are unsuccessful.
- Fax numbers for this art unit are as follows:
 - i. (703)872-9310 for *official* faxes (i.e. faxes to be entered as part of the file history) that are not after-final; and
 - ii. (703)872-9311 if after-final.

TKC 

December 19, 2002


JOSEPH DRODGE
PRIMARY EXAMINER